

LEMONIQUE JOHNSON, # 368966)
)
 Plaintiff,)
)
 v.) No. 1:15-cv-00017
)
 SARENA WEST, et al.,) Senior Judge Haynes
)
 Defendants.)

Plaintiff, Lemonique Johnson, filed this *pro se* action under 42 U.S.C. § 1983 against the Defendants, Sarena West, Jessica McElroy and Gina Gonzales. (Docket Entry No. 1). Plaintiff also filed an application to proceed *in forma pauperis*. Because it is apparent from Plaintiff's submission that he lacks the funds to pay the entire filing fee in advance, Plaintiff's application to proceed as a pauper (Docket Entry No. 2) is **GRANTED**.

Pursuant to 28 U.S.C. §§ 1915(b) and 1914(a), Plaintiff is nonetheless assessed the \$350.00 civil filing fee. The Warden of the South Central Correctional Facility, as custodian of Plaintiff's prison trust account, is **DIRECTED** to submit to the Clerk of Court, as an initial payment, the greater of: (a) 20% of the average monthly deposits to Plaintiff's credit at the jail; or (b) 20% of the average monthly balance to Plaintiff's credit for the six-month period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(b)(1). Thereafter, the custodian shall submit 20% of Plaintiff's preceding monthly income (or income credited to Plaintiff for the preceding month), but only when Plaintiff's monthly income exceeds \$10.00. 28 U.S.C. § 1915(b)(2). Payments shall continue until the \$350.00 filing fee has been paid in full to

the Clerk of Court. 28 U.S.C. § 1915(b)(3).

The Clerk of Court **MUST** send a copy of this order to the Warden of the South Central Correctional Facility to ensure compliance with that portion of 28 U.S.C. § 1915 pertaining to the payment of the filing fee. If Plaintiff is transferred from his present place of confinement, the Warden must ensure that a copy of this order follows Plaintiff to his new place of confinement, for continued compliance herewith. All payments made pursuant to this order must be submitted to the Clerk of Court for the United States District Court for the Middle District of Tennessee, 801 Broadway, Nashville, TN 37203.


In accordance with the Memorandum filed herewith, this action is **DISMISSED with prejudice** for failure to state a claim for relief. 28 U.S.C. §§ 1915(e)(2)(B) and 1915A. Any appeal of this Order would not be in good faith as required by 28 U.S.C. § 1915(a)(3).

Plaintiff's motion to appoint counsel (Docket Entry No. 3) is **DENIED** as moot.

This is the Final Order in this action.

It is so **ORDERED**.

ENTERED this the 4th day of April, 2015.



WILLIAM J. HAYNES, JR.
Senior United States District Judge